

### **Remarks/Arguments**

Applicants have received and carefully reviewed the Office Action of the Examiner mailed December 23, 2008. Currently, claims 47-58 remain pending. Claims 47-58 have been rejected. Favorable consideration of the following remarks is respectfully requested.

### **Claim Rejections – 35 USC § 103**

Claims 47-50, 52-54, and 56-58 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. (U.S. Patent No. 5,059,186), hereinafter Yamamoto, in view of Koehler et al. (U.S. Patent No. 3,395,244). After careful review, Applicant must respectfully traverse this rejection.

“All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). (MPEP § 2143.03). As discussed previously, nowhere does Yamamoto appear to disclose a “proximal hub portion and the distal strain relief portion are monolithically molded as a single piece of a single material; wherein the distal strain relief portion has a first flexibility adjacent a distal end thereof and a second flexibility different from the first flexibility adjacent a proximal end thereof”.

Yamamoto does not appear to disclose an integrally molded distal strain relief which has a first flexibility adjacent a distal end thereof and a second flexibility different from the first flexibility adjacent to a proximal end thereof. The sole disclosure related to element 110, cited by the Examiner as providing strain relief, in Yamamoto appears to relate to a stress relief element: “When the soft plastic tube 101 is formed integrally with the relatively hard hub 102, a corrugated or ribbed molding 110 may be incorporated for stress relief.” found at col. 9, lines 25-28. Note that this sentence includes a conditional clause which appears to limit the teaching of a corrugated or ribbed molding 110 to those constructions in which two conditions are met, namely (1) that the tube 101 is formed integrally with the hub and (2) the plastic tube is formed from a soft material and the hub is formed from a hard material. Further the passage indicates that the purpose of the tube

101 taught by Yamamoto is to provide stress relief. Stress relief typically serves to cause small flaws to yield plastically at the flaw tip resulting in a local relief of stress and a blunting of the crack tip. Contrast this with strain relief which prevents force applied to the tube from being transferred to the hub, in a manner which could lead to failure of the connection.

Claim 47 specifies “a lumen extending between the proximal hub portion and the distal strain relief portion, an axis extending down the center of the lumen; and a hollow tube held at least partially within the lumen and extending distally therefrom” indicating that the hollow tube is not formed integrally with the hub and strain relief portions. Koehler appears to teach a strain relief “which may be molded directly on an electrical cord and integrally bonded thereto”. (Col. 1, lines 57-59.) Both Yamamoto and Koehler appear to contemplate structures which are integrally bonded to the tube of Yamamoto and the wire of Koehler respectively, rather than a structure having a lumen with a hollow tube held at least partially within the lumen and extending distally therefrom. It is unclear why one of ordinary skill in the art seeking an alternate stress relief structure for plastic tube formed from a soft material and an integrally formed hub formed from a hard material would turn to a wire strain relief structure of Koehler which is said to be “integrally bonded thereto”. However, were one to do so, one would appear to achieve a tube having an integrally bonded molded structure rather than a proximal hub portion and a distal strain relief portion having a lumen extending therebetween and a hollow tube held at least partially within the lumen and extending distally therefrom. Additionally, since the device of Yamamoto apparently requires stress relief at the point of connection, substitution of a separate strain relief component at that point would appear to render the device of Yamamoto unsuited for its intended purpose (MPEP 2143.01, V.) and would appear to change the principle of operation of the device of Yamamoto. (MPEP 2143.01, VI.) Therefore, for at least these reasons, Applicant respectfully asserts that there is no motivation to combine the teachings of Yamamoto and Koehler.

For at least these reasons, Applicants respectfully submit that independent claim 47 is patentable over the cited art. Similarly, claim 54, which includes similar limitation as well as others, is believed to be patentable over the cited art. Accordingly, Applicants respectfully request that the rejections of claims 47 and 54 be withdrawn.

If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). (MPEP 2143.03)

Accordingly, dependent claims 48-50, 52-53, and 56-58, which depend from nonobvious independent claims 47 and 54 respectively, are believed to be nonobvious and Applicants respectfully request that the rejections be withdrawn.

In view of the foregoing, all pending claims are believed to be in a condition for allowance. Reexamination and reconsideration are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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Glenn M. Seager, Reg. No. 36,926  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, Minnesota 55403-2420  
[Glenn.Seager@cstlaw.com](mailto:Glenn.Seager@cstlaw.com)  
Tel: (612) 677-9050  
Fax: (612) 359-9349